



FACILITY COMPLIANCE INSPECTION REPORT

Division of Waste Management Solid Waste Section

UNIT TYPE:

Lined MSWLF		LCID	X	YW		Transfer		Compost		SLAS		COUNTY: Durham PERMIT NO.: 32-F FILE TYPE: COMPLIANCE
Closed MSWLF		HHW		White goods		Incineration		T&P		FIRM		
CDLF		Tire T&P / Collection		Tire Monofill		Industrial Landfill		DEMO		SDTF		

Date of Site Inspection: July 12, 2012 **Date of Last Inspection:** August 18, 2011

FACILITY NAME AND ADDRESS:

Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility
4005 Intermere Road
Durham, NC 27704

GPS COORDINATES: N: 36.05502 E: -78.81176

FACILITY CONTACT NAME AND PHONE NUMBER:

Jay Fogleman, Manager Linda Fogleman, Secretary/Treasurer
w. 919-682-0068 lfogle@frontier.com
c. 919-795-4386
f. 919-682-0662
jay.fogleman@frontier.com

FACILITY CONTACT ADDRESS:

Linda Fogleman, Secretary/Treasurer
Fogleman and Fogleman Soils, Inc.
4005 Intermere Road
Durham, NC 27704

PARTICIPANTS

John Patrone, NCDENR – Solid Waste Section (SWS)
Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.

STATUS OF PERMIT:

Permit To Operate (PTO) issued March 27, 2012
Permit To Construct (PTC) issued in conjunction with PTO
PTO expiration date December 19, 2016

PURPOSE OF SITE VISIT:

Comprehensive Audit

STATUS OF PAST NOTED VIOLATIONS:

None

OBSERVED VIOLATIONS

None

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The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

ADDITIONAL COMMENTS

On July 12, 2012, John Patrone met with Jay Fogleman to conduct a comprehensive audit of the Fogleman and Fogleman Landfill and Recycling Facility – LCID Landfill and Processing Facility on Intermere Road in Durham, Durham County.

1. A certified copy of the facility permit has been recorded with the Durham County Register of Deeds Office, dated April 19, 2012, Bk: 6952, Pg: 891-902.
2. The permit to operate (PTO) is for a land clearing and inert debris (LCID) landfill.
3. The permit to construct (PTC) approves a LCID processing area (storage, grinding, screening, and crushing), referenced in permit Attachment 2: Conditions of Permit to Construct.
4. Prior to operation of the LCID processing area, to include material removal (mining) the facility must contact SWS to conduct a site inspection and pre-operative meeting.
5. The LCID landfill is permitted to occupy ~ 38.7 acres of which ~ 24.8 acres have been consumed.
6. The LCID landfill is permitted for a total gross capacity of 4,116,000 yd³.
7. The operating capacity of the LCID landfill is ~ 100,000 yd³ per year. The estimated LCID acceptance rate is 35,000 tons per year.
8. The facility is approved to remove material from the LCID landfill for processing.
9. The facility is approved to process 13,000 yd³ per year. The estimated processing rate is 50 yd³ per day.
10. As stated in the facility operations plan, storage of unprocessed and processed material, as well as process operations, are to be conducted centrally within the future landfill footprint. Stockpiles will not exceed 10 feet in height. The minimum buffer between stockpiles and process equipment is 20 feet.
11. A majority of LCID material deemed acceptable for processing must be processed and then used or sold within one year.
12. In addition to the permit, the facility must conform to the operational requirements of the North Carolina Solid Waste Management Rules, 15A North Carolina Administrative Code (NCAC) 13B .0566 and the facility operational plan.
13. The facility is permitted to receive land clearing waste, inert debris, yard trash, used asphalt, uncontaminated soil, and untreated and unpainted wood.
14. Segregated loads of low carbon nitrogen ratio material should not be received for processing.
15. The facility is permitted to receive wooden pallets for processing only.
16. The edge of waste markers on the east side slope are ~ 25 feet from waste (across service road). Additional edge of waste markers should be installed that delineate the waste disposal boundary.
17. The facility has a NCDENR-Division of Water Quality (DWQ) National Pollutant Discharge Elimination System - General Permit (No. NCG020000, exp. 12/31/14) and a NCDENR – Division of Land Resources (DLR) mining activity/borrow pit permit (No. 32-09, exp. 01/14/21).
18. A surety bond posted to cover operation of the mining permit also pertains to restoration of the LCID landfill, 32-F.
19. Side slopes must not exceed a ratio of three horizontal feet to one vertical foot (3:1).
20. Solid waste must be covered with one foot of suitable soil cover at least once per month or when the active area reaches one acre in size.
21. Mr. Fogleman stated that LCID material is frequently covered with one foot of soil. The landfill is constructed in tiered sections. Material is built-up, spread-out (pushing it laterally across and down the side slope), and covered with soil. Additional material is pushed onto the covered side slopes ~ every 30 days per the aforementioned process.

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22. The landfill cap, where soil has been applied, contains vegetative material. Vegetative material should be routinely mowed.
23. Ensure that woody vegetation is routinely removed from the landfill cap.
24. The facility maintains records of the amount of LCID material received. Daily records were verified for July 2012. Hauler information (name, company, etc.) from daily tickets reference client billing information on file. Monthly records were verified for July 2011 through June 2012, totaling 13,641 trucks or ~ 1,136.75 trucks a month. Mr. Fogleman stated that the facility receives ~ 55 – 60 trucks a day and that material is generally from Durham County.
25. The facility multiplies the number and type of vehicles received by an estimated capacity (yd³) for each vehicle type to obtain the amount of LCID material accepted: dump pickup = 4, single axle = 8, tri-axle = 10, quad axle = 14, dumpster = 14, small trailer = 16, and large trailer = 16.
26. The facility annual report (FAR) dated July 2, 2012 was received by SWS. Material received July 1, 2011 through June 30, 2012 is ~ 2,801 yd³ a week or ~ 145,652 yd³ a year.
27. The current FAR states that the amount of LCID received exceeds the permitted estimated acceptance rate. If the facility expects to exceed the permitted estimated acceptance rate contact SWS-Permitting Branch – Pat Backus at 919-707-8257.
28. The facility sorts firewood at the working face and routinely stages it ~ 75 feet from operations. Firewood is hauled-off by customers or brought to a storage area outside the landfill footprint. Mr. Fogleman stated that there is routinely ~ 100 yd³ of firewood staged adjacent to the working face. And that, while routinely removed, the staged firewood area is continually replenished.
29. The firewood operation should be adequately addressed in the facility operations plan.
30. Inert debris along the west side slope shall be covered with soil if not part of the active work area.
31. An emergency at the facility will be addressed by the Redwood Volunteer Fire Department. Mr. Fogleman stated that the facility has a stockpile of soil and a water truck available for use for initial response.
32. The facility is in operation Monday through Friday from 7:00 am – 5:00 pm.
33. The facility has all-weather access roads.
34. The facility is secured by a locked gate.
35. The facility has proper signage.
36. The permit expiration date is December 19, 2016.
37. Permit renewal application shall be submitted to the SWS by September 19, 2016

Please contact me if you have any questions or concerns regarding this inspection report.



John Patrone
Environmental Senior Specialist
Regional Representative

Phone: 336-771-5095 Fax: 336-771-4631

Sent on: <u>July 20, 2012</u>	X	Email		Hand delivery		US Mail	Certified No. <u> </u>
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Copies: Jason Watkins, Western District Supervisor
Jessica Montie, Compliance Officer
Pat Backus, Environmental Engineer
Jay Fogleman, Manager - Fogleman and Fogleman Soils, Inc.

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Digital pictures taken July 12, 2012
by John Patrone, DWM-SWS

West side slope active working face, cover inert debris



Area atop landfill, westward view



West side slope adjacent to active working face



(representative) Firewood routinely stored atop landfill

